

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of:

Determination of Rates and Terms for
Digital Performance of Sound Recordings
and Making of Ephemeral Copies to
Facilitate those Performances (Web V)

Docket No. 19-CRB-0005-WR
(2021-2025)

JOINT PETITION TO PARTICIPATE

Pursuant to 37 C.F.R. § 351.1(b)(1)(ii), undersigned counsel respectfully submit this Joint Petition to Participate on behalf of the petitioners listed below in response to the Copyright Royalty Judges' Notice announcing the commencement of the above-captioned proceeding "to determine reasonable rates and terms for two statutory licenses permitting the digital performance of sound recordings over the internet and the making of ephemeral recordings to facilitate those performances for the period beginning January 1, 2021, and ending December 31, 2025." 84 Fed. Reg. 359 (Jan. 24, 2019).

The Joint Petitioners are:

1. SoundExchange, Inc. ("SoundExchange"). SoundExchange is a not-for-profit organization jointly controlled by representatives of sound recording copyright owners and artists. Its Board of Directors includes recording artist representatives, as well as representatives from the major record companies, independent record companies, the American Association of Independent Music, the American Federation of Musicians, SAG-AFTRA, and others. SoundExchange has advocated on behalf of artists and copyright owners

in numerous prior proceedings, and the Copyright Royalty Judges have repeatedly designated SoundExchange as the Collective to receive and distribute Section 112 and 114 royalties. SoundExchange has collected and distributed billions of dollars in statutory royalties on behalf of approximately 175,000 featured recording artist and sound recording copyright owner accounts. SoundExchange thus represents the interest of sound recording copyright owners and featured artists who are entitled to a portion of the royalties paid by services claiming the benefits of the statutory licenses. Accordingly, SoundExchange, on its own behalf and on behalf of sound recording copyright owners and artists, has a significant interest in the royalty rates and terms that are the subject of this proceeding.

2. The American Federation of Musicians of the United States and Canada (“AFM”). AFM is represented on SoundExchange’s Board of Directors. It is the largest organization in the world representing the interests of professional musicians, including the interests of royalty artists and session musicians. Many of AFM’s members own copyrighted sound recordings for which the royalty rates and terms will be determined in this proceeding, and many more receive and depend on royalty distributions under Section 114, the rates and terms of which will be determined in this proceeding. AFM thus has a significant interest in this proceeding.

3. Screen Actors Guild–American Federation of Television and Radio Artists (“SAG-AFTRA”). SAG-AFTRA is represented on SoundExchange’s Board of Directors. It brings together two venerable American labor unions: the Screen Actors Guild and the American Federation of Television and Radio Artists. It is the largest performers’ union in the world, representing more than 160,000 members, including many singers, recording artists, vocalists, and other performers on sound recordings. SAG-AFTRA plays a significant role in

the music community by engaging in groundbreaking collective bargaining agreements, especially with its members' digital performances of sound recordings over the internet. Many of SAG-AFTRA's members own copyrighted sound recordings for which the royalty rates and terms will be determined in this proceeding, and many more receive and depend on royalty distributions under Section 114, the rates and terms of which will be determined in this proceeding. SAG-AFTRA thus has a significant interest in this proceeding.

4. The American Association of Independent Music ("A2IM"). A2IM is represented on SoundExchange's Board of Directors. It is a not-for-profit trade organization representing a diverse group of over 400 independently owned American record labels. A2IM's independent community includes music labels of all sizes and staffing levels across the United States, representing all musical genres. Most of A2IM's members own copyrighted sound recordings that are subject to the statutory license for which this proceeding will be determining the royalty rates and terms for the period beginning January 1, 2021, and ending December 31, 2025. A2IM thus has a significant interest in this proceeding.

5. Sony Music Entertainment ("SME"). SME is represented on SoundExchange's Board of Directors. It is one of the largest record companies in the United States, and with its subsidiaries owns one of the largest catalogs of copyrighted sound recordings. Most of those copyrighted sound recordings are subject to the statutory license for which this proceeding will be determining the royalty rates and terms for the period beginning January 1, 2021, and ending December 31, 2025. SME thus has a significant interest in this proceeding.

6. UMG Recordings, Inc. ("UMG"). UMG is represented on SoundExchange's Board of Directors. It is one of the largest record companies in the United States, and with its

affiliates owns one of the largest catalogs of copyrighted sound recordings. Most of those copyrighted sound recordings are subject to the statutory license for which this proceeding will be determining the royalty rates and terms for the period beginning January 1, 2021, and ending December 31, 2025. UMG thus has a significant interest in this proceeding.

7. Warner Music Group Corp. (“WMG”). WMG is represented on SoundExchange’s Board of Directors. It is one of the largest record companies in the United States, and with its subsidiaries owns one of the largest catalogs of copyrighted sound recordings. Most of those copyrighted sound recordings are subject to the statutory license for which this proceeding will be determining the royalty rates and terms for the period beginning January 1, 2021, and ending December 31, 2025. WMG thus has a significant interest in this proceeding.

8. Jagjaguwar Inc. (“Jagjaguwar”). Darius Van Arman, Founder and Co-CEO of Jagjaguwar, is a member of SoundExchange’s Board of Directors. Jagjaguwar owns a catalog of copyrighted sound recordings. Many of those copyrighted sound recordings are subject to the statutory license for which this proceeding will be determining the royalty rates and terms for the period beginning January 1, 2021, and ending December 31, 2025. Jagjaguwar thus has a significant interest in this proceeding.

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Pursuant to 37 C.F.R. § 351.1(b)(4), the above Joint Petitioners are submitting a filing fee of \$150 in connection with this Joint Petition to Participate.

Pursuant to 37 C.F.R. § 351.1(b)(1)(ii)(D), undersigned counsel hereby certify that, as of the date of the filing this Joint Petition to Participate, undersigned counsel have the

authority and consent of the above-listed petitioners to represent them in this royalty rate proceeding.

Respectfully submitted,

Dated: February 4, 2019

JENNER & BLOCK LLP

By: /s/ David A. Handzo
David A. Handzo (D.C. Bar No. 384023)
dhandzo@jenner.com
Steven R. Englund (D.C. Bar No. 425613)
senglund@jenner.com
JENNER & BLOCK LLP
1099 New York, Ave., NW, Suite 900
Washington, DC 20001
Tel.: 202-639-6000
Fax: 202-639-6066

Counsel for SoundExchange, Inc., American Federation of Musicians of the United States and Canada, Screen Actors Guild-American Federation of Television and Radio Artists, American Association of Independent Music, Sony Music Entertainment, UMG Recordings, Inc., Warner Music Group Corp., and Jagjaguwar Inc.